



General Assembly

## ***Amendment***

***January Session, 2015***

**LCO No. 8657**



Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.

REP. KLARIDES, 114<sup>th</sup> Dist.

To: Subst. Senate Bill No. **952**

File No. 748

Cal. No. 441

### ***"AN ACT CONCERNING A SECOND CHANCE SOCIETY."***

1     Strike everything after the enacting clause and substitute the  
2     following in lieu thereof:

3     "Section 1. Section 21a-279 of the general statutes is repealed and the  
4     following is substituted in lieu thereof (*Effective October 1, 2015*):

5     (a) Any person who possesses or has under his or her control any  
6     quantity of any narcotic substance, controlled substance or  
7     hallucinogenic substance other than marijuana or who possesses or has  
8     under his or her control one-half ounce or more of a cannabis-type  
9     substance, except as authorized in this chapter, [for a first offense, may  
10    be imprisoned not more than seven years or be fined not more than  
11    fifty thousand dollars, or be both fined and imprisoned; and for a  
12    second offense, may be imprisoned not more than fifteen years or be  
13    fined not more than one hundred thousand dollars, or be both fined  
14    and imprisoned; and for any subsequent offense, may be imprisoned

15 not more than twenty-five years or be fined not more than two  
16 hundred fifty thousand dollars, or be both fined and imprisoned] shall  
17 be guilty of a class A misdemeanor, except as provided in subsections  
18 (b), (c) and (d) of this section.

19 [(b) Any person who possesses or has under his control any  
20 quantity of a hallucinogenic substance other than marijuana or four  
21 ounces or more of a cannabis-type substance, except as authorized in  
22 this chapter, for a first offense, shall be guilty of a class D felony, and  
23 for a subsequent offense shall be guilty of a class C felony.

24 (c) Any person who possesses or has under his control any quantity  
25 of any controlled substance other than a narcotic substance, or a  
26 hallucinogenic substance other than marijuana or who possesses or has  
27 under his control one-half ounce or more but less than four ounces of a  
28 cannabis-type substance, except as authorized in this chapter, (1) for a  
29 first offense, may be fined not more than one thousand dollars or be  
30 imprisoned not more than one year, or be both fined and imprisoned;  
31 and (2) for a subsequent offense, shall be guilty of a class D felony.]

32 (b) (1) Any person charged with a first violation of subsection (a) of  
33 this section shall be referred for participation in the program pursuant  
34 to section 54-56i, as amended by this act. (2) Any person found guilty  
35 of a single subsequent violation of subsection (a) of this section shall be  
36 guilty of a class A misdemeanor and shall undergo a drug treatment  
37 program. (3) Any person charged with an additional or subsequent  
38 offense, after the court reviews such person's record, may be  
39 prosecuted for a class A misdemeanor, or if there is an indicia of cause  
40 to raise the charge to a felony, such person may be prosecuted for an  
41 unclassified felony, and if guilty, such person shall be imprisoned for a  
42 term of two years, which shall not be suspended and shall be in  
43 addition and consecutive to any other term imposed pursuant to this  
44 subsection.

45 [(d)] (c) Any person who violates subsection (a) [, (b) or (c)] of this  
46 section in or on, or within one thousand five hundred feet of, the real

47 property comprising a public or private elementary or secondary  
48 school and who is not enrolled as a student in such school or a licensed  
49 child day care center, as defined in section 19a-77, that is identified as a  
50 child day care center by a sign posted in a conspicuous place, [shall be  
51 imprisoned for a term of two years, which shall not be suspended and  
52 shall be in addition and consecutive to any term of imprisonment  
53 imposed for violation of subsection (a), (b) or (c) of this section.] (1) in  
54 the case of a first violation of this subsection, shall be referred for  
55 participation in the program pursuant to section 54-56i, as amended by  
56 this act. (2) Any person found guilty of a single subsequent violation of  
57 this subsection shall be guilty of a class A misdemeanor and shall  
58 undergo a drug treatment program. (3) Any person charged with an  
59 additional or subsequent offense, may be prosecuted for a class A  
60 misdemeanor, or for cause shown on the record, such person may be  
61 prosecuted for an unclassified felony, and if guilty, such person shall  
62 be imprisoned for a term of two years, which shall not be suspended  
63 and shall be in addition and consecutive to any other term imposed  
64 pursuant to this subsection or subsection (b) of this section.

65 (d) Any person who violates subsection (a) of this section in or on  
66 the real property comprising a public or private elementary or  
67 secondary school and who is not enrolled as a student in such school  
68 or a licensed child day care center, as defined in section 19a-77, that is  
69 identified as a child day care center by a sign posted in a conspicuous  
70 place may be prosecuted for a class A misdemeanor, or for cause  
71 shown on the record, such person may be prosecuted for an  
72 unclassified felony, and if guilty, such person shall be imprisoned for a  
73 term of two years, which shall not be suspended and shall be in  
74 addition and consecutive to any other term imposed pursuant to this  
75 subsection or subsection (b) or (c) of this section.

76 [(e) As an alternative to the sentences specified in subsections (a)  
77 and (b) and specified for a subsequent offense under subsection (c) of  
78 this section, the court may sentence the person to the custody of the  
79 Commissioner of Correction for an indeterminate term not to exceed

80 three years or the maximum term specified for the offense, whichever  
81 is the lesser, and at any time within such indeterminate term and  
82 without regard to any other provision of law regarding minimum term  
83 of confinement, the Commissioner of Correction may release the  
84 convicted person so sentenced subject to such conditions as he may  
85 impose including, but not limited to, supervision by suitable authority.  
86 At any time during such indeterminate term, the Commissioner of  
87 Correction may revoke any such conditional release in his discretion  
88 for violation of the conditions imposed and return the convicted  
89 person to a correctional institution.]

90 [(f)] (e) To the extent that it is possible, medical treatment rather  
91 than criminal sanctions shall be afforded individuals who breathe,  
92 inhale, sniff or drink the volatile substances [defined] described in  
93 subdivision (49) of section 21a-240.

94 [(g)] (f) The provisions of [subsections (a) to (c), inclusive,]  
95 subsection (a) of this section shall not apply to any person (1) who in  
96 good faith, seeks medical assistance for another person who such  
97 person reasonably believes is experiencing an overdose from the  
98 ingestion, inhalation or injection of intoxicating liquor or any drug or  
99 substance, (2) for whom another person, in good faith, seeks medical  
100 assistance, reasonably believing such person is experiencing an  
101 overdose from the ingestion, inhalation or injection of intoxicating  
102 liquor or any drug or substance, or (3) who reasonably believes he or  
103 she is experiencing an overdose from the ingestion, inhalation or  
104 injection of intoxicating liquor or any drug or substance and, in good  
105 faith, seeks medical assistance for himself or herself, if evidence of the  
106 possession or control of a controlled substance in violation of  
107 subsection (a) [, (b) or (c)] of this section was obtained as a result of the  
108 seeking of such medical assistance. For the purposes of this subsection,  
109 "good faith" does not include seeking medical assistance during the  
110 course of the execution of an arrest warrant or search warrant or a  
111 lawful search.

112 (g) Any person who is not a drug-dependent person who possesses

113 one or more preparations, compounds, mixtures or substances  
114 containing an aggregate weight of one ounce or more of heroin or  
115 methadone or an aggregate weight of one-half ounce or more of  
116 cocaine or one-half ounce or more of cocaine in a free-base form, or a  
117 substance containing five milligrams or more of lysergic acid  
118 diethylamide, or one kilogram or more of a cannabis-type substance,  
119 except as authorized in this chapter, shall be charged under the  
120 provisions of section 21a-278 or 21a-278a, in addition to any charge  
121 under this section.

122 Sec. 2. Subsection (c) of section 7-294d of the general statutes is  
123 repealed and the following is substituted in lieu thereof (*Effective*  
124 *October 1, 2015*):

125 (c) (1) The council may refuse to renew any certificate if the holder  
126 fails to meet the requirements for renewal of his or her certification.

127 (2) The council may cancel or revoke any certificate if: (A) The  
128 certificate was issued by administrative error, (B) the certificate was  
129 obtained through misrepresentation or fraud, (C) the holder falsified  
130 any document in order to obtain or renew any certificate, (D) the  
131 holder has been convicted of a felony, (E) the holder has been found  
132 not guilty of a felony by reason of mental disease or defect pursuant to  
133 section 53a-13, (F) the holder has been convicted of a violation of  
134 [subsection (c) of] section 21a-279, as amended by this act, (G) the  
135 holder has been refused issuance of a certificate or similar  
136 authorization or has had his or her certificate or other authorization  
137 cancelled or revoked by another jurisdiction on grounds which would  
138 authorize cancellation or revocation under the provisions of this  
139 subdivision, (H) the holder has been found by a law enforcement unit,  
140 pursuant to procedures established by such unit, to have used a  
141 firearm in an improper manner which resulted in the death or serious  
142 physical injury of another person, or (I) the holder has been found by a  
143 law enforcement unit, pursuant to procedures established by such  
144 unit, to have committed any act that would constitute tampering with  
145 or fabricating physical evidence in violation of section 53a-155, perjury

146 in violation of section 53a-156 or false statement in violation of section  
147 53a-157b. Whenever the council believes there is a reasonable basis for  
148 cancellation or revocation of the certification of a police officer, police  
149 training school or law enforcement instructor, it shall give notice and  
150 an adequate opportunity for a hearing prior to such cancellation or  
151 revocation. The council may cancel or revoke any certificate if, after a  
152 de novo review, it finds by clear and convincing evidence (i) a basis set  
153 forth in subparagraphs (A) to (G), inclusive, of this subdivision, or (ii)  
154 that the holder of the certificate committed an act set forth in  
155 subparagraph (H) or (I) of this subdivision. Any police officer or law  
156 enforcement instructor whose certification is cancelled or revoked  
157 pursuant to this section may reapply for certification no sooner than  
158 two years after the date on which the cancellation or revocation order  
159 becomes final. Any police training school whose certification is  
160 cancelled or revoked pursuant to this section may reapply for  
161 certification at any time after the date on which such order becomes  
162 final.

163 Sec. 3. Subsection (b) of section 29-28 of the general statutes is  
164 repealed and the following is substituted in lieu thereof (*Effective*  
165 *October 1, 2015*):

166 (b) Upon the application of any person having a bona fide  
167 permanent residence within the jurisdiction of any such authority,  
168 such chief of police, warden or selectman may issue a temporary state  
169 permit to such person to carry a pistol or revolver within the state,  
170 provided such authority shall find that such applicant intends to make  
171 no use of any pistol or revolver which such applicant may be  
172 permitted to carry under such permit other than a lawful use and that  
173 such person is a suitable person to receive such permit. No state or  
174 temporary state permit to carry a pistol or revolver shall be issued  
175 under this subsection if the applicant (1) has failed to successfully  
176 complete a course approved by the Commissioner of Emergency  
177 Services and Public Protection in the safety and use of pistols and  
178 revolvers including, but not limited to, a safety or training course in

179 the use of pistols and revolvers available to the public offered by a law  
180 enforcement agency, a private or public educational institution or a  
181 firearms training school, utilizing instructors certified by the National  
182 Rifle Association or the Department of Energy and Environmental  
183 Protection and a safety or training course in the use of pistols or  
184 revolvers conducted by an instructor certified by the state or the  
185 National Rifle Association, (2) has been convicted of (A) a felony, or (B)  
186 on or after October 1, 1994, a violation of [subsection (c) of] section 21a-  
187 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,  
188 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (3) has been  
189 convicted as delinquent for the commission of a serious juvenile  
190 offense, as defined in section 46b-120, (4) has been discharged from  
191 custody within the preceding twenty years after having been found  
192 not guilty of a crime by reason of mental disease or defect pursuant to  
193 section 53a-13, (5) (A) has been confined in a hospital for persons with  
194 psychiatric disabilities, as defined in section 17a-495, within the  
195 preceding sixty months by order of a probate court, or (B) has been  
196 voluntarily admitted on or after October 1, 2013, to a hospital for  
197 persons with psychiatric disabilities, as defined in section 17a-495,  
198 within the preceding six months for care and treatment of a psychiatric  
199 disability and not solely for being an alcohol-dependent person or a  
200 drug-dependent person as those terms are defined in section 17a-680,  
201 (6) is subject to a restraining or protective order issued by a court in a  
202 case involving the use, attempted use or threatened use of physical  
203 force against another person, (7) is subject to a firearms seizure order  
204 issued pursuant to subsection (d) of section 29-38c after notice and  
205 hearing, (8) is prohibited from shipping, transporting, possessing or  
206 receiving a firearm pursuant to 18 USC 922(g)(4), (9) is an alien  
207 illegally or unlawfully in the United States, or (10) is less than twenty-  
208 one years of age. Nothing in this section shall require any person who  
209 holds a valid permit to carry a pistol or revolver on October 1, 1994, to  
210 participate in any additional training in the safety and use of pistols  
211 and revolvers. No person may apply for a temporary state permit to  
212 carry a pistol or revolver more than once within any twelve-month  
213 period, and no temporary state permit to carry a pistol or revolver

214 shall be issued to any person who has applied for such permit more  
215 than once within the preceding twelve months. Any person who  
216 applies for a temporary state permit to carry a pistol or revolver shall  
217 indicate in writing on the application, under penalty of false statement  
218 in such manner as the issuing authority prescribes, that such person  
219 has not applied for a temporary state permit to carry a pistol or  
220 revolver within the past twelve months. Upon issuance of a temporary  
221 state permit to carry a pistol or revolver to the applicant, the local  
222 authority shall forward the original application to the commissioner.  
223 Not later than sixty days after receiving a temporary state permit, an  
224 applicant shall appear at a location designated by the commissioner to  
225 receive the state permit. The commissioner may then issue, to any  
226 holder of any temporary state permit, a state permit to carry a pistol or  
227 revolver within the state. Upon issuance of the state permit, the  
228 commissioner shall make available to the permit holder a copy of the  
229 law regarding the permit holder's responsibility to report the loss or  
230 theft of a firearm and the penalties associated with the failure to  
231 comply with such law. Upon issuance of the state permit, the  
232 commissioner shall forward a record of such permit to the local  
233 authority issuing the temporary state permit. The commissioner shall  
234 retain records of all applications, whether approved or denied. The  
235 copy of the state permit delivered to the permittee shall be laminated  
236 and shall contain a full-face photograph of such permittee. A person  
237 holding a state permit issued pursuant to this subsection shall notify  
238 the issuing authority within two business days of any change of such  
239 person's address. The notification shall include the old address and the  
240 new address of such person.

241 Sec. 4. Subsection (b) of section 29-36f of the general statutes is  
242 repealed and the following is substituted in lieu thereof (*Effective*  
243 *October 1, 2015*):

244 (b) The Commissioner of Emergency Services and Public Protection  
245 shall issue an eligibility certificate unless said commissioner finds that  
246 the applicant: (1) Has failed to successfully complete a course



247 approved by the Commissioner of Emergency Services and Public  
248 Protection in the safety and use of pistols and revolvers including, but  
249 not limited to, a safety or training course in the use of pistols and  
250 revolvers available to the public offered by a law enforcement agency,  
251 a private or public educational institution or a firearms training school,  
252 utilizing instructors certified by the National Rifle Association or the  
253 Department of Energy and Environmental Protection and a safety or  
254 training course in the use of pistols or revolvers conducted by an  
255 instructor certified by the state or the National Rifle Association; (2)  
256 has been convicted of a felony or of a violation of [subsection (c) of]  
257 section 21a-279, as amended by this act, or section 53a-58, 53a-61, 53a-  
258 61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d; (3)  
259 has been convicted as delinquent for the commission of a serious  
260 juvenile offense, as defined in section 46b-120; (4) has been discharged  
261 from custody within the preceding twenty years after having been  
262 found not guilty of a crime by reason of mental disease or defect  
263 pursuant to section 53a-13; (5) (A) has been confined in a hospital for  
264 persons with psychiatric disabilities, as defined in section 17a-495,  
265 within the preceding sixty months by order of a probate court; or (B)  
266 has been voluntarily admitted on or after October 1, 2013, to a hospital  
267 for persons with psychiatric disabilities, as defined in section 17a-495,  
268 within the preceding six months for care and treatment of a psychiatric  
269 disability and not solely for being an alcohol-dependent person or a  
270 drug-dependent person as those terms are defined in section 17a-680,  
271 (6) is subject to a restraining or protective order issued by a court in a  
272 case involving the use, attempted use or threatened use of physical  
273 force against another person; (7) is subject to a firearms seizure order  
274 issued pursuant to subsection (d) of section 29-38c after notice and  
275 hearing; (8) is prohibited from shipping, transporting, possessing or  
276 receiving a firearm pursuant to 18 USC 922(g)(4); or (9) is an alien  
277 illegally or unlawfully in the United States.

278 Sec. 5. Subsection (b) of section 29-37p of the general statutes is  
279 repealed and the following is substituted in lieu thereof (*Effective*  
280 *October 1, 2015*):

281 (b) The Commissioner of Emergency Services and Public Protection  
282 shall issue a long gun eligibility certificate unless said commissioner  
283 finds that the applicant: (1) Has failed to successfully complete a  
284 course approved by the Commissioner of Emergency Services and  
285 Public Protection in the safety and use of firearms including, but not  
286 limited to, a safety or training course in the use of firearms available to  
287 the public offered by a law enforcement agency, a private or public  
288 educational institution or a firearms training school, utilizing  
289 instructors certified by the National Rifle Association or the  
290 Department of Energy and Environmental Protection and a safety or  
291 training course in the use of firearms conducted by an instructor  
292 certified by the state or the National Rifle Association; (2) has been  
293 convicted of (A) a felony, or (B) on or after October 1, 1994, a violation  
294 of [subsection (c) of] section 21a-279, as amended by this act, or section  
295 53a-58, 53a-61, 53a-61a, 53a-62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178  
296 or 53a-181d; (3) has been convicted as delinquent for the commission  
297 of a serious juvenile offense, as defined in section 46b-120; (4) has been  
298 discharged from custody within the preceding twenty years after  
299 having been found not guilty of a crime by reason of mental disease or  
300 defect pursuant to section 53a-13; (5) has been confined in a hospital  
301 for persons with psychiatric disabilities, as defined in section 17a-495,  
302 within the preceding sixty months by order of a probate court; (6) has  
303 been voluntarily admitted to a hospital for persons with psychiatric  
304 disabilities, as defined in section 17a-495, within the preceding six  
305 months for care and treatment of a psychiatric disability and not solely  
306 for being an alcohol-dependent person or a drug-dependent person as  
307 those terms are defined in section 17a-680; (7) is subject to a restraining  
308 or protective order issued by a court in a case involving the use,  
309 attempted use or threatened use of physical force against another  
310 person; (8) is subject to a firearms seizure order issued pursuant to  
311 subsection (d) of section 29-38c after notice and hearing; (9) is  
312 prohibited from shipping, transporting, possessing or receiving a  
313 firearm pursuant to 18 USC 922(g)(4); or (10) is an alien illegally or  
314 unlawfully in the United States.

315 Sec. 6. Subsection (a) of section 53a-217 of the general statutes is  
316 repealed and the following is substituted in lieu thereof (*Effective*  
317 *October 1, 2015*):

318 (a) A person is guilty of criminal possession of a firearm,  
319 ammunition or an electronic defense weapon when such person  
320 possesses a firearm, ammunition or an electronic defense weapon and  
321 (1) has been convicted of a felony committed prior to, on or after  
322 October 1, 2013, or of a violation of [subsection (c) of] section 21a-279,  
323 as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62, 53a-  
324 63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or after  
325 October 1, 2013, (2) has been convicted as delinquent for the  
326 commission of a serious juvenile offense, as defined in section 46b-120,  
327 (3) has been discharged from custody within the preceding twenty  
328 years after having been found not guilty of a crime by reason of mental  
329 disease or defect pursuant to section 53a-13, (4) knows that such  
330 person is subject to (A) a restraining or protective order of a court of  
331 this state that has been issued against such person, after notice and an  
332 opportunity to be heard has been provided to such person, in a case  
333 involving the use, attempted use or threatened use of physical force  
334 against another person, or (B) a foreign order of protection, as defined  
335 in section 46b-15a, that has been issued against such person in a case  
336 involving the use, attempted use or threatened use of physical force  
337 against another person, (5) (A) has been confined on or after October 1,  
338 2013, in a hospital for persons with psychiatric disabilities, as defined  
339 in section 17a-495, within the preceding sixty months by order of a  
340 probate court, or with respect to any person who holds a valid permit  
341 or certificate that was issued or renewed under the provisions of  
342 section 29-28, as amended by this act, or 29-36f, as amended by this act,  
343 in effect prior to October 1, 2013, such person has been confined in  
344 such hospital within the preceding twelve months, or (B) has been  
345 voluntarily admitted on or after October 1, 2013, to a hospital for  
346 persons with psychiatric disabilities, as defined in section 17a-495,  
347 within the preceding six months for care and treatment of a psychiatric  
348 disability and not solely for being an alcohol-dependent person or a

349 drug-dependent person as those terms are defined in section 17a-680,  
350 (6) knows that such person is subject to a firearms seizure order issued  
351 pursuant to subsection (d) of section 29-38c after notice and an  
352 opportunity to be heard has been provided to such person, or (7) is  
353 prohibited from shipping, transporting, possessing or receiving a  
354 firearm pursuant to 18 USC 922(g)(4). For the purposes of this section,  
355 "convicted" means having a judgment of conviction entered by a court  
356 of competent jurisdiction, "ammunition" means a loaded cartridge,  
357 consisting of a primed case, propellant or projectile, designed for use  
358 in any firearm, and a motor vehicle violation for which a sentence to a  
359 term of imprisonment of more than one year may be imposed shall be  
360 deemed an unclassified felony.

361 Sec. 7. Subsection (a) of section 53a-217c of the general statutes is  
362 repealed and the following is substituted in lieu thereof (*Effective*  
363 *October 1, 2015*):

364 (a) A person is guilty of criminal possession of a pistol or revolver  
365 when such person possesses a pistol or revolver, as defined in section  
366 29-27, and (1) has been convicted of a felony committed prior to, on or  
367 after October 1, 2013, or of a violation of [subsection (c) of] section 21a-  
368 279, as amended by this act, or section 53a-58, 53a-61, 53a-61a, 53a-62,  
369 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d committed on or  
370 after October 1, 1994, (2) has been convicted as delinquent for the  
371 commission of a serious juvenile offense, as defined in section 46b-120,  
372 (3) has been discharged from custody within the preceding twenty  
373 years after having been found not guilty of a crime by reason of mental  
374 disease or defect pursuant to section 53a-13, (4) (A) has been confined  
375 prior to October 1, 2013, in a hospital for persons with psychiatric  
376 disabilities, as defined in section 17a-495, within the preceding twelve  
377 months by order of a probate court, or has been confined on or after  
378 October 1, 2013, in a hospital for persons with psychiatric disabilities,  
379 as defined in section 17a-495, within the preceding sixty months by  
380 order of a probate court, or, with respect to any person who holds a  
381 valid permit or certificate that was issued or renewed under the

382 provisions of section 29-28, as amended by this act, or 29-36f, as  
383 amended by this act, in effect prior to October 1, 2013, such person has  
384 been confined in such hospital within the preceding twelve months, or  
385 (B) has been voluntarily admitted on or after October 1, 2013, to a  
386 hospital for persons with psychiatric disabilities, as defined in section  
387 17a-495, within the preceding six months for care and treatment of a  
388 psychiatric disability and not solely for being an alcohol-dependent  
389 person or a drug-dependent person as those terms are defined in  
390 section 17a-680, (5) knows that such person is subject to (A) a  
391 restraining or protective order of a court of this state that has been  
392 issued against such person, after notice and an opportunity to be heard  
393 has been provided to such person, in a case involving the use,  
394 attempted use or threatened use of physical force against another  
395 person, or (B) a foreign order of protection, as defined in section 46b-  
396 15a, that has been issued against such person in a case involving the  
397 use, attempted use or threatened use of physical force against another  
398 person, (6) knows that such person is subject to a firearms seizure  
399 order issued pursuant to subsection (d) of section 29-38c after notice  
400 and an opportunity to be heard has been provided to such person, (7)  
401 is prohibited from shipping, transporting, possessing or receiving a  
402 firearm pursuant to 18 USC 922(g)(4), or (8) is an alien illegally or  
403 unlawfully in the United States. For the purposes of this section,  
404 "convicted" means having a judgment of conviction entered by a court  
405 of competent jurisdiction.

406 Sec. 8. Subsection (b) of section 18-100h of the general statutes is  
407 repealed and the following is substituted in lieu thereof (*Effective*  
408 *October 1, 2015*):

409 (b) Notwithstanding any provision of the general statutes,  
410 whenever a person is sentenced to a term of imprisonment for a  
411 violation of section 21a-267 or [subsection (c) of section] 21a-279, as  
412 amended by this act, and committed by the court to the custody of the  
413 Commissioner of Correction, the commissioner may, after admission  
414 and a risk and needs assessment, release such person to such person's

415 residence subject to the condition that such person not leave such  
416 residence unless otherwise authorized. Based upon the assessment of  
417 such person, the commissioner may require such person to be subject  
418 to electronic monitoring, which may include the use of a global  
419 positioning system and continuous monitoring for alcohol  
420 consumption, to drug testing on a random basis, and to any other  
421 conditions that the commissioner may impose. Any person released  
422 pursuant to this subsection shall remain in the custody of the  
423 commissioner and shall be supervised by employees of the department  
424 during the period of such release. Upon the violation by such person of  
425 any condition of such release, the commissioner may revoke such  
426 release and return such person to confinement in a correctional facility.  
427 For purposes of this subsection, "continuous monitoring for alcohol  
428 consumption" means automatically testing breath, blood or  
429 transdermal alcohol concentration levels and tamper attempts at least  
430 once every hour regardless of the location of the person being  
431 monitored.

432 Sec. 9. Section 54-124a of the general statutes is repealed and the  
433 following is substituted in lieu thereof (*Effective October 1, 2015*):

434 (a) There shall be a Board of Pardons and Paroles within the  
435 Department of Correction, for administrative purposes only. On and  
436 after July 1, 2008, and prior to July 1, 2010, the board shall consist of  
437 eighteen members, and on and after July 1, 2010, the board shall  
438 consist of twenty members. The Governor shall appoint all members of  
439 the board with the advice and consent of both houses of the General  
440 Assembly. On and after July 1, 2008, twelve of the members shall serve  
441 exclusively on parole release panels, five of the members shall serve  
442 exclusively on pardons panels and the chairperson may serve on both  
443 parole release panels and pardons panels, except that on and after July  
444 1, 2010, seven of the members shall serve exclusively on pardons  
445 panels. In the appointment of the members, the Governor shall specify  
446 the member being appointed as chairperson, the full-time and part-  
447 time members being appointed to serve on parole release panels and

448 the members being appointed to serve on pardons panels. In the  
449 appointment of the members, the Governor shall comply with the  
450 provisions of section 4-9b. The Governor shall appoint a chairperson  
451 from among the membership. The members of the board appointed on  
452 or after February 1, 2008, shall be qualified by education, experience or  
453 training in the administration of community corrections, parole or  
454 pardons, criminal justice, criminology, the evaluation or supervision of  
455 offenders or the provision of mental health services to offenders. Each  
456 appointment of a member of the board submitted by the Governor to  
457 the General Assembly shall be referred, without debate, to the  
458 committee on the judiciary which shall report thereon not later than  
459 thirty legislative days after the date of reference.

460 (b) The term of each appointed member of the board serving on  
461 June 30, 2008, who had been assigned by the chairperson exclusively to  
462 parole hearings, shall expire on said date. The term of each member of  
463 the board serving on June 30, 2008, who had been appointed  
464 chairperson, had been assigned by the chairperson exclusively to  
465 pardons hearings or has been appointed by the Governor on or after  
466 February 1, 2008, shall be coterminous with the term of the Governor  
467 or until a successor is chosen, whichever is later. Any vacancy in the  
468 membership of the board shall be filled for the unexpired portion of  
469 the term by the Governor.

470 (c) The chairperson and five of the members of the board appointed  
471 by the Governor on or after February 1, 2008, to serve on parole release  
472 panels shall devote full time to the performance of their duties under  
473 this section and shall be compensated therefor in such amount as the  
474 Commissioner of Administrative Services determines, subject to the  
475 provisions of section 4-40. The other members of the board shall  
476 receive one hundred ten dollars for each day spent in the performance  
477 of their duties and shall be reimbursed for necessary expenses incurred  
478 in the performance of such duties. The chairperson or, in the  
479 chairperson's absence or inability to act, a member designated by the  
480 chairperson to serve temporarily as chairperson, shall be present at all

481 meetings of the board and participate in all decisions thereof.

482 (d) The chairperson shall be the executive and administrative head  
483 of said board and shall have the authority and responsibility for (1)  
484 overseeing all administrative affairs of the board, (2) assigning  
485 members to panels, (3) establishing procedural rules for members to  
486 follow when conducting hearings, reviewing recommendations made  
487 by employees of the board and making decisions, (4) adopting policies  
488 in all areas of pardons and paroles including, but not limited to,  
489 granting pardons, commutations of punishments or releases,  
490 conditioned or absolute, in the case of any person convicted of any  
491 offense against the state and commutations from the penalty of death,  
492 risk-based structured decision making and release criteria, (5)  
493 consulting with the Department of Correction on shared issues  
494 including, but not limited to, prison overcrowding, (6) consulting with  
495 the Judicial Branch on shared issues of community supervision, and (7)  
496 signing and issuing subpoenas to compel the attendance and  
497 testimony of witnesses at parole proceedings. Any such subpoena shall  
498 be enforceable to the same extent as subpoenas issued pursuant to  
499 section 52-143.

500 (e) Of the members appointed prior to February 1, 2008, the  
501 chairperson shall assign seven members exclusively to parole release  
502 hearings and shall assign five members exclusively to pardons  
503 hearings. Except for the chairperson, no member assigned to parole  
504 release hearings may be assigned subsequently to pardons hearings  
505 and no member assigned to pardons hearings may be assigned  
506 subsequently to parole release hearings. Prior to July 1, 2008, each  
507 parole release panel shall be composed of two members from among  
508 the members assigned by the chairperson exclusively to parole release  
509 hearings or the members appointed by the Governor on or after  
510 February 1, 2008, to serve exclusively on parole release panels, and the  
511 chairperson or a member designated to serve temporarily as  
512 chairperson, for each correctional institution. On and after July 1, 2008,  
513 and prior to October 5, 2009, each parole release panel shall be



514 composed of two members appointed by the Governor on or after  
515 February 1, 2008, to serve on parole release panels, at least one of  
516 whom is a full-time member, and the chairperson or a full-time  
517 member designated to serve temporarily as chairperson, for each  
518 correctional institution. On and after October 5, 2009, each parole  
519 release panel shall be composed of two members appointed by the  
520 Governor to serve on parole release panels and the chairperson or a  
521 full-time member designated to serve temporarily as chairperson, for  
522 each correctional institution. Such parole release panels shall be the  
523 paroling authority for the institutions to which they are assigned and  
524 not less than two members shall be present at each parole hearing.  
525 Each pardons panel shall be composed of three members from among  
526 the members assigned by the chairperson exclusively to pardons  
527 hearings or the members appointed by the Governor on or after  
528 February 1, 2008, to serve on pardons panels, one of whom may be the  
529 chairperson, except that for hearings on commutations from the  
530 penalty of death, one member of the panel shall be the chairperson.

531 (f) The Board of Pardons and Paroles shall have independent  
532 decision-making authority to (1) grant or deny parole in accordance  
533 with sections 54-125, 54-125a, 54-125e and 54-125g, (2) establish  
534 conditions of parole or special parole supervision in accordance with  
535 section 54-126, (3) rescind or revoke parole or special parole in  
536 accordance with sections 54-127 and 54-128, (4) grant commutations of  
537 punishment or releases, conditioned or absolute, in the case of any  
538 person convicted of any offense against the state and commutations  
539 from the penalty of death in accordance with section 54-130a.

540 (g) The Department of Correction shall be responsible for the  
541 supervision of any person transferred to the jurisdiction of the Board  
542 of Pardons and Paroles during such person's period of parole or  
543 special parole.

544 (h) The chairperson, or the chairperson's designee, and two  
545 members of the board from among the members assigned by the  
546 chairperson to serve exclusively on parole release panels or the

547 members appointed by the Governor on or after February 1, 2008, to  
548 serve on parole release panels, shall conduct all parole release  
549 hearings, and shall approve or deny all parole revocations and parole  
550 rescissions recommended by an employee of the board pursuant to  
551 section 54-127a. In the case of a hearing concerning a person convicted  
552 of a violation of section 53a-54a, 53a-54c or 53a-54d, the panel shall be  
553 comprised of three of the five longest serving parole release panel  
554 members. No panel of the Board of Pardons and Paroles shall hold a  
555 hearing to determine the suitability for parole release of any person  
556 unless the chairperson of the board has made reasonable efforts to  
557 determine the existence of and obtain all information deemed  
558 pertinent to the panel's decision and has certified that all such  
559 pertinent information determined to exist has been obtained or is  
560 unavailable.

561 (i) The chairperson of the board shall appoint an executive director.  
562 The executive director shall oversee the administration of the agency  
563 and, at the discretion of the chairperson, shall: (1) Direct and supervise  
564 all administrative affairs of the board, (2) prepare the budget and  
565 annual operation plan, (3) assign staff to administrative reviews, (4)  
566 organize pardons and parole release hearing calendars, (5) implement  
567 a uniform case filing and processing system, and (6) create programs  
568 for staff and board member development, training and education.

569 (j) The chairperson, in consultation with the executive director, shall  
570 adopt regulations, in accordance with chapter 54, concerning:

571 (1) Parole revocation and rescission hearings that include  
572 implementing due process requirements;

573 (2) An administrative pardons process that allows an applicant  
574 convicted of a crime to be granted a pardon with respect to such crime  
575 without a hearing, unless a victim of such crime requests such a  
576 hearing, if such applicant was:

577 (A) Convicted of a misdemeanor and (i) such conduct no longer

578 constitutes a crime, (ii) such applicant was under twenty-one years of  
579 age at the time of conviction and has not been convicted of a crime  
580 during the five years preceding the date on which the pardon is  
581 granted, or (iii) such conviction occurred prior to the effective date of  
582 the establishment of a program under sections 17a-692 to 17a-701,  
583 inclusive, section 46b-38c, 53a-39a, 53a-39c, as amended by this act, 54-  
584 56e, 54-56g, 54-56i or 54-56j for which the applicant would have been  
585 eligible had such program existed at the time of conviction, provided  
586 the chairperson determines the applicant would likely have been  
587 granted entry into such program; or

588 (B) Convicted of a violation of section 21a-277, 21a-278 or 21a-279  
589 and such applicant has not been convicted of a crime during the five  
590 years preceding the date on which the pardon is granted, provided  
591 such date is at least ten years after the date of such conviction or such  
592 applicant's release from incarceration, whichever is later; [and]

593 (3) Requiring board members assigned to pardons hearings to issue  
594 written statements containing the reasons for rejecting any application  
595 for a pardon; [.] and

596 (4) In the case of any administrative parole hearing, no applicant for  
597 parole may be granted parole unless each board member or employee,  
598 who reviewed such applicant's file and any recommendation  
599 concerning such applicant, certifies that he or she reviewed such  
600 applicant's file and any such recommendation.

601 (k) The Board of Pardons and Paroles shall hold a pardons hearing  
602 at least once every three months and shall hold such hearings in  
603 various geographical areas of the state. The board shall not hold a  
604 pardons hearing within or on the grounds of a correctional facility  
605 except when solely for the benefit of applicants who are incarcerated at  
606 the time of such hearing.

607 (l) The chairperson and executive director shall establish:

608 (1) In consultation with the Department of Correction, a parole

609 orientation program for all parole-eligible inmates upon their transfer  
610 to the custody of the Commissioner of Correction that will provide  
611 general information on the laws and policies regarding parole release,  
612 calculation of time-served standards, general conditions of release,  
613 supervision practices, revocation and rescission policies, and  
614 procedures for administrative review and panel hearings, and any  
615 other information that the board deems relevant for preparing inmates  
616 for parole;

617 (2) An incremental sanctions system for parole violations including,  
618 but not limited to, reincarceration based on the type, severity and  
619 frequency of the violation and specific periods of incarceration for  
620 certain types of violations; and

621 (3) A formal training program for members of the board and parole  
622 officers that shall include, but not be limited to, an overview of the  
623 criminal justice system, the parole system including factors to be  
624 considered in granting parole, victim rights and services, reentry  
625 strategies, risk assessment, case management and mental health issues.  
626 Each member shall complete such training annually.

627 (m) The board shall employ at least one psychologist with expertise  
628 in risk assessment and recidivism of criminal offenders who shall be  
629 under the supervision of the chairperson and assist the board in its  
630 parole release decisions.

631 (n) In the event of the temporary inability of any member other than  
632 the chairperson to perform his or her duties, the Governor, at the  
633 request of the board, may appoint a qualified person to serve as a  
634 temporary member during such period of inability.

635 (o) The chairperson of the Board of Pardons and Paroles shall: (1)  
636 Adopt an annual budget and plan of operation, (2) adopt such rules as  
637 deemed necessary for the internal affairs of the board, and (3) submit  
638 an annual report to the Governor and General Assembly.

639 Sec. 10. (NEW) (*Effective July 1, 2015*) Not later than January 1, 2016,

640 the Board of Pardons and Paroles shall develop a pardon eligibility  
641 notice containing written explanatory text of the pardons process set  
642 forth in chapter 961 of the general statutes. The board, in conjunction  
643 with the Judicial Department and Department of Correction, shall  
644 ensure that such notice is provided to a person at the time such person  
645 (1) is sentenced pursuant to section 54-92 of the general statutes, (2) is  
646 released by the Department of Correction, including any pretrial  
647 release pursuant to section 18-100f of the general statutes, (3) has  
648 completed or been discharged from a period of parole, and (4) has  
649 completed a period of probation or conditional discharge pursuant to  
650 section 53a-29 or 53a-33 of the general statutes. The board shall update  
651 such notice as deemed necessary by the board.

652       Sec. 11. (NEW) (*Effective July 1, 2015*) (a) An inmate (1) not convicted  
653 of a crime for which there is a victim, as defined in section 54-201 of  
654 the general statutes or section 54-226 of the general statutes, who is  
655 known by the Board of Pardons and Paroles, (2) whose eligibility for  
656 parole release is not subject to the provisions of subsection (b) of  
657 section 54-125a of the general statutes, (3) who was not convicted of a  
658 violation of section 53a-55, 53a-55a, 53a-56, 53a-56a, 53a-56b, 53a-57,  
659 53a-58, 53a-59, 53a-59a, 53a-60, 53a-60a, 53a-60c, 53a-64aa, 53a-64bb,  
660 53a-70, 53a-70b, 53a-72b, 53a-92, 53a-92a, 53a-94a, 53a-95, 53a-100aa,  
661 53a-101, 53a-102, 53a-102a, 53a-103a, 53a-111, 53a-112, 53a-134, 53a-135,  
662 53a-136, 53a-167c, 53a-179b, 53a-179c or 53a-181c of the general  
663 statutes, and (4) who is not otherwise prohibited from being granted  
664 parole for any reason, may be allowed to go at large on parole in  
665 accordance with the provisions of section 54-125a of the general  
666 statutes, as amended by this act, or section 54-125g of the general  
667 statutes, as amended by this act, pursuant to the provisions of  
668 subsections (b) and (c) of this section.

669       (b) A member of the board, or an employee of the board qualified  
670 by education, experience or training in the administration of  
671 community corrections, parole, pardons, criminal justice, criminology,  
672 the evaluation or supervision of offenders or the provision of mental

673 health services to offenders, may evaluate whether parole should be  
674 granted to an inmate pursuant to this section. The board member or  
675 employee shall (1) use risk-based structured decision making and  
676 release criteria developed under policies adopted by the board  
677 pursuant to subsection (d) of section 54-124a of the general statutes, as  
678 amended by this act, and (2) review the inmate's offender  
679 accountability plan, including, but not limited to, the environment to  
680 which the inmate plans to return upon release, to determine whether  
681 parole should be recommended for such inmate.

682 (c) If the board member or qualified employee recommends parole  
683 for an inmate, the chairperson of the board shall present such  
684 recommendation and all pertinent information to a parole release  
685 panel for approval. No parole release panel may review such  
686 recommendation and determine the suitability for parole release of an  
687 inmate unless the chairperson has made reasonable efforts to  
688 determine the existence of and obtain all information deemed  
689 pertinent to the panel's decision and has certified that all such  
690 pertinent information determined to exist has been obtained or is  
691 unavailable.

692 Sec. 12. Subsection (a) of section 54-125a of the general statutes is  
693 repealed and the following is substituted in lieu thereof (*Effective July*  
694 *1, 2015*):

695 (a) A person convicted of one or more crimes who is incarcerated on  
696 or after October 1, 1990, who received a definite sentence or aggregate  
697 sentence of more than two years, and who has been confined under  
698 such sentence or sentences for not less than one-half of the aggregate  
699 sentence less any risk reduction credit earned under the provisions of  
700 section 18-98e or one-half of the most recent sentence imposed by the  
701 court less any risk reduction credit earned under the provisions of  
702 section 18-98e, whichever is greater, may be allowed to go at large on  
703 parole in (1) accordance with the provisions of section 11 of this act, or  
704 (2) the discretion of [the] a panel of the Board of Pardons and Paroles,  
705 [for the institution in which the person is confined,] if [(1)] (A) it

706 appears from all available information, including any reports from the  
707 Commissioner of Correction that the panel may require, that there is  
708 reasonable probability that such inmate will live and remain at liberty  
709 without violating the law, and [(2)] (B) such release is not incompatible  
710 with the welfare of society. At the discretion of the panel, and under  
711 the terms and conditions as may be prescribed by the panel including  
712 requiring the parolee to submit personal reports, the parolee shall be  
713 allowed to return to the parolee's home or to reside in a residential  
714 community center, or to go elsewhere. The parolee shall, while on  
715 parole, remain under the jurisdiction of the board until the expiration  
716 of the maximum term or terms for which the parolee was sentenced  
717 less any risk reduction credit earned under the provisions of section  
718 18-98e. Any parolee released on the condition that the parolee reside in  
719 a residential community center may be required to contribute to the  
720 cost incidental to such residence. Each order of parole shall fix the  
721 limits of the parolee's residence, which may be changed in the  
722 discretion of the board and the Commissioner of Correction. Within  
723 three weeks after the commitment of each person sentenced to more  
724 than two years, the state's attorney for the judicial district shall send to  
725 the Board of Pardons and Paroles the record, if any, of such person.

726 Sec. 13. Section 54-125g of the general statutes is repealed and the  
727 following is substituted in lieu thereof (*Effective July 1, 2015*):

728 Notwithstanding the provisions of sections 18-100d, 54-124c and 54-  
729 125a, as amended by this act, any person who has six months or less to  
730 the expiration of the maximum term or terms for which such person  
731 was sentenced, may be allowed to go at large on parole pursuant to  
732 section 11 of this act or following a hearing pursuant to section 54-  
733 125a, as amended by this act, provided such person agrees (1) to be  
734 subject to supervision by personnel of the Department of Correction  
735 for a period of one year, and (2) to be retained in the institution from  
736 which such person was paroled for a period equal to the unexpired  
737 portion of the term of his or her sentence if such person is found to  
738 have violated the terms or conditions of his or her parole. Any person

739 subject to the provisions of subdivision (1) or (2) of subsection (b) of  
740 section 54-125a shall only be eligible to go at large on parole under this  
741 section after having served ninety-five per cent of the definite sentence  
742 imposed.

743 Sec. 14. Subsection (e) of section 54-125a of the general statutes is  
744 repealed and the following is substituted in lieu thereof (*Effective*  
745 *October 1, 2015*):

746 (e) The Board of Pardons and Paroles may hold a hearing to  
747 determine the suitability for parole release of any person whose  
748 eligibility for parole release is subject to the provisions of subdivision  
749 (2) of subsection (b) of this section upon completion by such person of  
750 eighty-five per cent of such person's definite or aggregate sentence. An  
751 employee of the board or, if deemed necessary by the chairperson, a  
752 panel of the board shall assess the suitability for parole release of such  
753 person based on the following standards: (1) Whether there is  
754 reasonable probability that such person will live and remain at liberty  
755 without violating the law, and (2) whether the benefits to such person  
756 and society that would result from such person's release to community  
757 supervision substantially outweigh the benefits to such person and  
758 society that would result from such person's continued incarceration. If  
759 a hearing is held, and if the board determines that continued  
760 confinement is necessary, the board shall articulate for the record the  
761 specific reasons why such person and the public would not benefit  
762 from such person serving a period of parole supervision while  
763 transitioning from incarceration to the community. No hearing  
764 pursuant to the provisions of this subsection may proceed unless the  
765 parole release panel is in possession of the complete file for such  
766 applicant, including any documentation from the Department of  
767 Correction, the trial record, the sentencing record and any file of any  
768 previous parole hearing. Each member of the panel shall certify that all  
769 such documentation has been reviewed in preparation for such  
770 hearing. If a hearing is not held, the board shall document the specific  
771 reasons for not holding a hearing and provide such reasons to such



772 person. No person shall be released on parole without receiving a  
773 hearing. The decision of the board under this subsection shall not be  
774 subject to appeal.

775 Sec. 15. Section 54-126a of the general statutes is repealed and the  
776 following is substituted in lieu thereof (*Effective October 1, 2015*):

777 (a) (1) For the purposes of this section, "victim" means a person who  
778 is a victim of a crime, the legal representative of such person, a  
779 member of a deceased victim's immediate family or a person  
780 designated by a deceased victim in accordance with section 1-56r.

781 [(b) At a] (2) The Board of Pardons and Paroles shall ensure that at  
782 least two victims of any crime register his or her name and address  
783 with the board, provided there are two victims of such crime. If there  
784 are three victims of such crime, the board shall ensure each such victim  
785 so registers with the board. If there is only one victim of such crime,  
786 the board shall ensure that such victim so registers. Any other victim  
787 of such crime may register with the board. Prior to any hearing held by  
788 a panel [of the Board of Pardons and Paroles] for the purpose of  
789 determining the eligibility for parole of an inmate incarcerated for the  
790 commission of [any] such crime, the board shall notify in writing each  
791 registered victim of such crime and any other victim of such crime  
792 who is known to the board, the Department of Correction or the Office  
793 of the Victim Advocate of the time, date and location of the hearing  
794 and that such victim may make a statement or submit a written  
795 statement pursuant to subsection (b) of this section. At any such  
796 hearing, the Victim Advocate or the Victim Advocate's designee shall  
797 read into the record the name of any victim of such crime who was  
798 notified pursuant to this subsection, a description of any unsuccessful  
799 attempt to notify any such victim and any response or correspondence  
800 that was received by any such victim. If there is no known victim or no  
801 such victim can be located, the board shall notify the chief law  
802 enforcement of the town in which such crime occurred of the time,  
803 date and location of such hearing.

804        (b) Each such panel shall permit any victim of the crime for which  
805        the inmate is incarcerated to appear before the panel for the purpose of  
806        making a statement for the record concerning whether the inmate  
807        should be released on parole or the nature of any terms or conditions  
808        to be imposed upon any such release. In lieu of such appearance, the  
809        victim may submit a written statement to the panel and the panel shall  
810        make such statement a part of the record at the parole hearing.

811        (c) Nothing in this section shall be construed to prohibit the board  
812        from exercising its discretion to permit a member or members of a  
813        victim's immediate family to appear before the panel and make a  
814        statement in accordance with subsection (b) of this section.

815        Sec. 16. (NEW) (*Effective October 1, 2015*) (a) Prior to any hearing  
816        conducted by the Board of Pardons and Paroles to determine the  
817        suitability for parole release under the provisions of chapter 961 of the  
818        general statutes, the board shall notify the office of the Chief State's  
819        Attorney of such hearing by certified mail. Such notice shall identify  
820        the applicant being considered for parole and the time, date and place  
821        of such hearing.

822        (b) Any such hearing shall begin with a member of the parole  
823        release panel reading into the record of the hearing the records and  
824        documentation that shall be considered at such hearing. Any request  
825        for any such record or documentation by the office of the Chief State's  
826        Attorney or the Chief Public Defender shall be granted and shall not be  
827        subject to the provisions of chapter 14 of the general statutes.

828        Sec. 17. Section 54-56i of the general statutes is repealed and the  
829        following is substituted in lieu thereof (*Effective October 1, 2015*):

830        (a) There is established a pretrial drug education and community  
831        service program for persons charged with a violation of section  
832        21a-267, 21a-279, as amended by this act, or 21a-279a. The drug  
833        education and community service program shall include a fifteen-  
834        week drug education program and a substance abuse treatment

835 program of not less than fifteen sessions, and the performance of  
836 community service.

837 (b) Upon referral of or application by any such person for  
838 participation in such program and payment to the court of an  
839 application fee of one hundred dollars and a nonrefundable evaluation  
840 fee of one hundred fifty dollars, the court shall, but only as to the  
841 public, order the court file sealed. A person shall be ineligible for  
842 participation in such pretrial drug education and community service  
843 program if such person has twice previously participated in (1) the  
844 pretrial drug education program established under the provisions of  
845 this section in effect prior to October 1, 2013, (2) the community service  
846 labor program established under section 53a-39c, as amended by this  
847 act, (3) the drug education and community service program  
848 established under this section, or (4) any of such programs, except that  
849 the court may allow a person who has twice previously participated in  
850 such programs to participate in the pretrial drug education and  
851 community service program one additional time, for good cause  
852 shown. The evaluation and application fee imposed under this  
853 subsection shall be credited to the pretrial account established under  
854 section 54-56k.

855 (c) The court, after consideration of the recommendation of the  
856 state's attorney, assistant state's attorney or deputy assistant state's  
857 attorney in charge of the case, may, in its discretion, grant such  
858 application and shall accept any referral made pursuant to section 21a-  
859 279, as amended by this act. [If the court grants] Upon the acceptance  
860 of such referral or the granting of such application, the court shall refer  
861 such person (1) to the Court Support Services Division for  
862 confirmation of the eligibility of [the applicant] such person, (2) to the  
863 Department of Mental Health and Addiction Services for evaluation  
864 and determination of an appropriate drug education or substance  
865 abuse treatment program for the first or second time such application  
866 is granted or referral is accepted, and (3) to a state-licensed substance  
867 abuse treatment program for evaluation and determination of an

868 appropriate substance abuse treatment program for the third time such  
869 application is granted or referral is accepted, except that, if such person  
870 is a veteran, the court may refer such person to the Department of  
871 Veterans' Affairs or the United States Department of Veterans Affairs,  
872 as applicable, for any such evaluation and determination. For the  
873 purposes of this subsection and subsection (d) of this section, "veteran"  
874 means any person who was discharged or released under conditions  
875 other than dishonorable from active service in the armed forces as  
876 defined in section 27-103.

877 (d) (1) (A) Upon confirmation of eligibility and receipt of the  
878 evaluation and determination required under subsection (c) of this  
879 section, such person shall be placed in the drug education and  
880 community service program and referred by the Court Support  
881 Services Division for the purpose of receiving appropriate drug  
882 education services or substance abuse treatment program services, as  
883 recommended by the evaluation conducted pursuant to subsection (c)  
884 of this section and ordered by the court, to the Department of Mental  
885 Health and Addiction Services or to a state-licensed substance abuse  
886 treatment program for placement in the appropriate drug education or  
887 substance abuse treatment program, except that, if such person is a  
888 veteran, the division may refer such person to the Department of  
889 Veterans' Affairs or the United States Department of Veterans Affairs,  
890 subject to the provisions of subdivision (2) of this subsection.

891 (B) Persons who have been granted entry into the drug education  
892 and community service program for the first time shall participate in  
893 either a fifteen-week drug education program or a substance abuse  
894 treatment program of not less than fifteen sessions, as ordered by the  
895 court on the basis of the evaluation and determination required under  
896 subsection (c) of this section. Persons who have been granted entry  
897 into the drug education and community service program for the  
898 second time shall participate in either a fifteen-week drug education  
899 program or a substance abuse treatment program of not less than  
900 fifteen sessions, as ordered by the court based on the evaluation and

901 determination required under subsection (c) of this section. Persons  
902 who have been granted entry into the drug education and community  
903 service program for a third time shall be referred to a state-licensed  
904 substance abuse program for evaluation and participation in a course  
905 of treatment as ordered by the court based on the evaluation and  
906 determination required under subsection (c) of this section.

907 (C) Persons who have been granted entry into the drug education  
908 and community service program shall also participate in a community  
909 service program administered by the Court Support Services Division  
910 pursuant to section 53a-39c, as amended by this act. Persons who have  
911 been granted entry into the drug education and community service  
912 program for the first time shall participate in the community service  
913 program for a period of five days. Persons who have been granted  
914 entry into the drug education and community service program for the  
915 second time shall participate in the community service program for a  
916 period of fifteen days. Persons who have been granted entry into the  
917 drug education and community service program for a third or  
918 additional time shall participate in the community service program for  
919 a period of thirty days.

920 (D) Placement in the drug education and community service  
921 program pursuant to this section shall not exceed one year. Persons  
922 receiving substance abuse treatment program services in accordance  
923 with the provisions of this section shall only receive such services at  
924 state-licensed substance abuse treatment program facilities that are in  
925 compliance with all state standards governing the operation of such  
926 facilities, except that, if such person is a veteran, such person may  
927 receive services from facilities under the supervision of the  
928 Department of Veterans' Affairs or the United States Department of  
929 Veterans Affairs, subject to the provisions of subdivision (2) of this  
930 subsection.

931 (E) Any person who enters the drug education and community  
932 service program shall agree: (i) To the tolling of the statute of  
933 limitations with respect to such crime; (ii) to a waiver of such person's

934 right to a speedy trial; (iii) to complete participation in the drug  
935 education and community service program, as ordered by the court;  
936 (iv) to commence participation in the drug education and community  
937 service program not later than ninety days after the date of entry of the  
938 court order unless granted a delayed entry into the program by the  
939 court; and (v) upon completion of participation in the drug education  
940 and community service program, to accept (I) placement in a treatment  
941 program upon the recommendation of a provider under contract with  
942 the Department of Mental Health and Addiction Services or a provider  
943 under the supervision of the Department of Veterans' Affairs or the  
944 United States Department of Veterans Affairs, or (II) placement in a  
945 treatment program that has standards substantially similar to, or  
946 higher than, a program of a provider under contract with the  
947 Department of Mental Health and Addiction Services, if the Court  
948 Support Services Division deems it appropriate.

949 (2) The Court Support Services Division may only refer a veteran to  
950 the Department of Veterans' Affairs or the United States Department of  
951 Veterans Affairs for the receipt of services under the program if (A) the  
952 division determines that such services will be provided in a timely  
953 manner under standards substantially similar to, or higher than,  
954 standards for services provided by the Department of Mental Health  
955 and Addiction Services under the program, and (B) the applicable  
956 department agrees to submit timely program participation and  
957 completion reports to the division in the manner required by the  
958 division.

959 (e) If the Court Support Services Division informs the court that  
960 such person is ineligible for the program and the court makes a  
961 determination of ineligibility or if the program provider certifies to the  
962 court that such person did not successfully complete the assigned  
963 program and such person did not request, or the court denied,  
964 reinstatement in the program under subsection (i) of this section, the  
965 court shall order the court file to be unsealed, enter a plea of not guilty  
966 for such person and immediately place the case on the trial list.

967 (f) If such person satisfactorily completes the assigned program,  
968 such person may apply for dismissal of the charges against such  
969 person and the court, on reviewing the record of such person's  
970 participation in such program submitted by the Court Support  
971 Services Division and on finding such satisfactory completion, shall  
972 dismiss the charges. If such person does not apply for dismissal of the  
973 charges against such person after satisfactorily completing the  
974 assigned program, the court, upon receipt of the record of such  
975 person's participation in such program submitted by the Court  
976 Support Services Division, may on its own motion make a finding of  
977 such satisfactory completion and dismiss the charges. Upon motion of  
978 such person and a showing of good cause, the court may extend the  
979 placement period for a reasonable period of time to allow such person  
980 to complete the assigned program. A record of participation in such  
981 program shall be retained by the Court Support Services Division for a  
982 period of ten years from the date the court grants the application for  
983 participation in the program.

984 (g) At the time the court grants the application or accepts the  
985 referral for participation in the pretrial drug education and community  
986 service program, any person ordered to participate in the drug  
987 education program shall pay to the court a nonrefundable program fee  
988 of six hundred dollars. If the court orders participation in a substance  
989 abuse treatment program, such person shall pay to the court a  
990 nonrefundable program fee of one hundred dollars and shall be  
991 responsible for the costs associated with such program. No person may  
992 be excluded from any such program for inability to pay such fee or  
993 cost, provided (1) such person files with the court an affidavit of  
994 indigency or inability to pay, (2) such indigency or inability to pay is  
995 confirmed by the Court Support Services Division, and (3) the court  
996 enters a finding thereof. The court may waive all or any portion of  
997 such fee depending on such person's ability to pay. If the court finds  
998 that a person is indigent or unable to pay for a substance abuse  
999 treatment program, the costs of such program shall be paid from the  
1000 pretrial account established under section 54-56k. If the court denies

1001 the application, such person shall not be required to pay the program  
1002 fee. If the court grants the application, and such person is later  
1003 determined to be ineligible for participation in such pretrial drug  
1004 education and community service program or fails to complete the  
1005 assigned program, the program fee shall not be refunded. All program  
1006 fees shall be credited to the pretrial account established under section  
1007 54-56k.

1008 (h) If a person returns to court with certification from a program  
1009 provider that such person did not successfully complete the assigned  
1010 program or is no longer amenable to treatment, the provider, to the  
1011 extent practicable, shall include a recommendation to the court as to  
1012 whether placement in a drug education program or placement in a  
1013 substance abuse treatment program would best serve such person's  
1014 needs. The provider shall also indicate whether the current program  
1015 referral was an initial referral or a reinstatement to the program.

1016 (i) When a person subsequently requests reinstatement into a drug  
1017 education program or a substance abuse treatment program and the  
1018 Court Support Services Division verifies that such person is eligible for  
1019 reinstatement into such program and thereafter the court favorably  
1020 acts on such request, any person reinstated into the drug education  
1021 program shall pay a nonrefundable program fee of two hundred fifty  
1022 dollars, and any person reinstated into a substance abuse treatment  
1023 program shall be responsible for the costs, if any, associated with being  
1024 reinstated into the treatment program. Unless good cause is shown,  
1025 such program fee shall not be waived. All program fees collected in  
1026 connection with a reinstatement to a drug education program shall be  
1027 credited to the pretrial account established under section 54-56k. No  
1028 person shall be permitted more than two program reinstatements  
1029 pursuant to this subsection.

1030 (j) The Department of Mental Health and Addiction Services shall  
1031 develop standards and oversee appropriate drug education programs  
1032 that it administers to meet the requirements of this section and may  
1033 contract with service providers to provide such programs. The



1034 department shall adopt regulations, in accordance with chapter 54, to  
 1035 establish standards for such drug education programs.

1036 (k) Any person whose employment or residence or schooling makes  
 1037 it unreasonable to attend a drug education program or substance  
 1038 abuse treatment program in this state may attend a program in another  
 1039 state that has standards similar to, or higher than, those of this state,  
 1040 subject to the approval of the court and payment of the program fee or  
 1041 costs as provided in this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2015	21a-279
Sec. 2	October 1, 2015	7-294d(c)
Sec. 3	October 1, 2015	29-28(b)
Sec. 4	October 1, 2015	29-36f(b)
Sec. 5	October 1, 2015	29-37p(b)
Sec. 6	October 1, 2015	53a-217(a)
Sec. 7	October 1, 2015	53a-217c(a)
Sec. 8	October 1, 2015	18-100h(b)
Sec. 9	October 1, 2015	54-124a
Sec. 10	July 1, 2015	New section
Sec. 11	July 1, 2015	New section
Sec. 12	July 1, 2015	54-125a(a)
Sec. 13	July 1, 2015	54-125g
Sec. 14	October 1, 2015	54-125a(e)
Sec. 15	October 1, 2015	54-126a
Sec. 16	October 1, 2015	New section
Sec. 17	October 1, 2015	54-56i